

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 5, strike "or".
- 2 Page 1, line 7, delete "or".
- 3 Page 1, between lines 7 and 8, begin a new line double block
- 4 indented and insert:
- 5 "(C) misdemeanor for operating a child care center
- 6 without a license under IC 12-17.2-4-35; or
- 7 (D) misdemeanor for operating a child care home without
- 8 a license under IC 12-17.2-5-35; or".
- 9 Page 1, line 9, strike "12" and insert "**12.1**".
- 10 Page 1, between lines 10 and 11, begin a new paragraph and insert:
- 11 "SECTION 2. IC 12-17.2-3.5-4.1 IS ADDED TO THE INDIANA
- 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2002]: **Sec. 4.1. (a) As used in this section,**
- 14 **"individual" means:**
- 15 **(1) a provider;**
- 16 **(2) if a provider provides child care in the provider's home, an**

individual who resides with the provider and who is at least
eighteen (18) years of age; or

(3) an individual who is employed at the facility where a
provider provides child care.

(b) If information obtained by a voucher agent under
IC 31-33-17-6(7) indicates that an individual has been named as an
alleged perpetrator, the following are ineligible to receive a
voucher payment:

(1) The individual.

(2) A provider in whose home the individual resides if the
provider provides child care in the provider's home.

(3) A provider that employs the individual at the facility
where the provider provides child care.

SECTION 3. IC 12-17.2-3.5-5, AS ADDED BY P.L.247-2001,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2002]: Sec. 5. A provider shall have:

(1) working smoke detectors that meet the standards adopted by
rule for smoke detectors in licensed child care homes; and

(2) running water;

in the area of the facility where the provider provides child care.

SECTION 4. IC 12-17.2-3.5-10, AS ADDED BY P.L.247-2001,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2002]: Sec. 10. (a) A facility where a provider provides
child care must have two (2) exits that:

(1) do not require passage through a:

(A) garage; or

(B) storage area;

where hazardous materials are stored;

(2) are not windows;

(3) are on different sides of the facility;

(4) are not blocked; and

(5) are operable from the inside without the use of a key or
any special knowledge.

(b) A provider shall:

(1) conduct monthly documented fire drills:

(A) in accordance with ~~Article 13 of the Indiana fire code~~ the
rules of the fire prevention and building safety
commission; and

- 1 **(B) that include complete evacuation of all:**
- 2 **(i) children; and**
- 3 **(ii) adults who provide child care;**
- 4 **in the facility;**
- 5 **(2) maintain documentation of all fire drills conducted during**
- 6 **the immediately preceding twelve (12) month period,**
- 7 **including:**
 - 8 **(A) the date and time of the fire drill;**
 - 9 **(B) the name of the individual who conducted the fire drill;**
 - 10 **(C) the weather conditions at the time of the fire drill; and**
 - 11 **(D) the amount of time required to fully evacuate the**
 - 12 **facility; and**
- 13 **(3) maintain a two and one-half (2 ½) pound or greater ABC**
- 14 **multiple purpose fire extinguisher:**
 - 15 **(A) on each floor of the facility; and**
 - 16 **(B) in the kitchen area of the facility;**

17 in each facility where the provider provides child care.

18 SECTION 5. IC 12-17.2-3.5-11.1 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2002]: **Sec. 11.1. (a) A provider shall**
 21 **maintain and annually update documentation provided by the**
 22 **physician of each child who is cared for in a facility where the**
 23 **provider provides child care that the child has received complete**
 24 **age appropriate immunizations as determined by the state**
 25 **department of health.**

- 26 **(b) A provider meets the requirement of subsection (a) if:**
- 27 **(1) a child's parent:**
 - 28 **(A) objects to immunizations for religious reasons; and**
 - 29 **(B) provides documentation of the parent's objection; or**
- 30 **(2) the child's physician provides documentation of a medical**
- 31 **reason that the child should not be immunized;**
- 32 **and the provider maintains and annually updates the**
- 33 **documentation provided by the parent or physician under this**
- 34 **subsection."**

35 Page 2, line 25, delete "or".

36 Page 2, line 26, delete "child." and insert "**child**";.

37 Page 2, between lines 26 and 27, begin a new line double block
 38 indented and insert:

1 **"(C) misdemeanor for operating a child care center**
 2 **without a license under IC 12-17.2-4-35; or**

3 **(D) misdemeanor for operating a child care home without**
 4 **a license under IC 12-17.2-5-35."**

5 Page 2, line 30, delete "or".

6 Page 2, between lines 31 and 32, begin a new line block indented
 7 and insert:

8 **"(3) misdemeanor for operating a child care center without a**
 9 **license under IC 12-17.2-4-35; or**

10 **(4) misdemeanor for operating a child care home without a**
 11 **license under IC 12-17.2-5-35;"**

12 Page 2, between lines 33 and 34, begin a new paragraph and insert:

13 "SECTION 7. IC 12-17.2-3.5-12.1 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2002]: **Sec. 12.1. (a) A provider shall, at the**
 16 **provider's expense, provide to the voucher agent a copy of drug**
 17 **testing results for:**

18 **(1) the provider;**

19 **(2) if the provider provides child care in the provider's home,**
 20 **any individual who resides with the provider and who is at**
 21 **least eighteen (18) years of age; and**

22 **(3) an individual who is employed at the facility where the**
 23 **provider provides child care.**

24 **(b) If the drug testing results provided under subsection (a)**
 25 **indicate the presence of an illegal controlled substance, the**
 26 **provider is ineligible to receive a voucher payment.**

27 SECTION 8. IC 12-17.2-3.5-14 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2002]: **Sec. 14. (a) Notice of a determination**
 30 **made under this chapter must be provided under IC 4-21.5-3-6.**

31 **(b) A person affected by a determination made under this**
 32 **chapter may seek administrative review under IC 4-21.5-3-7."**

33 Page 3, line 1, strike "or".

34 Page 3, line 3, strike "and".

35 Page 3, between lines 3 and 4, begin a new line double block
 36 indented and insert:

37 **"(C) a misdemeanor for operating a child care center**
 38 **without a license under IC 12-17.2-4-35; or**

1 **(D) a misdemeanor for operating a child care home**
 2 **without a license under IC 12-17.2-5-35; and".**

3 Page 3, line 5, strike "or".

4 Page 3, between lines 7 and 8, begin a new line double block
 5 indented and insert:

6 **"(C) a misdemeanor for operating a child care center**
 7 **without a license under IC 12-17.2-4-35; or**

8 **(D) a misdemeanor for operating a child care home**
 9 **without a license under IC 12-17.2-5-35;".**

10 Page 3, between lines 24 and 25, begin a new line double block
 11 indented and insert:

12 **"(C) A misdemeanor for operating a child care center**
 13 **without a license under IC 12-17.2-4-35.**

14 **(D) A misdemeanor for operating a child care home**
 15 **without a license under IC 12-17.2-5-35."**

16 Page 3, between lines 28 and 29, begin a new line block indented
 17 and insert:

18 **"(5) A determination by the division that the applicant**
 19 **previously operated a:**

20 **(A) child care center without a license under**
 21 **IC 12-17.2-4-35; or**

22 **(B) child care home without a license under**
 23 **IC 12-17.2-5-35."**

24 Page 4, between lines 2 and 3, begin a new line double block
 25 indented and insert:

26 **"(C) A misdemeanor for operating a child care center**
 27 **without a license under IC 12-17.2-4-35.**

28 **(D) A misdemeanor for operating a child care home**
 29 **without a license under IC 12-17.2-5-35."**

30 Page 4, between lines 6 and 7, begin a new line block indented and
 31 insert:

32 **"(5) A determination by the division that the applicant**
 33 **previously operated a:**

34 **(A) child care center without a license under**
 35 **IC 12-17.2-4-35; or**

36 **(B) child care home without a license under**
 37 **IC 12-17.2-5-35."**

38 Page 4, line 23, strike "or".

1 Page 4, line 25, strike "and".

2 Page 4, between lines 25 and 26, begin a new line double block
3 indented and insert:

4 **"(C) a misdemeanor for operating a child care center**
5 **without a license under IC 12-17.2-4-35; or**
6 **(D) a misdemeanor for operating a child care home**
7 **without a license under IC 12-17.2-5-35; and".**

8 Page 4, line 27, strike "or".

9 Page 4, between lines 29 and 30, begin a new line double block
10 indented and insert:

11 **"(C) a misdemeanor for operating a child care center**
12 **without a license under IC 12-17.2-4-35; or**
13 **(D) a misdemeanor for operating a child care home**
14 **without a license under IC 12-17.2-5-35;".**

15 Page 5, between lines 9 and 10, begin a new line double block
16 indented and insert:

17 **"(C) A misdemeanor for operating a child care center**
18 **without a license under IC 12-17.2-4-35.**
19 **(D) A misdemeanor for operating a child care home**
20 **without a license under IC 12-17.2-5-35."**

21 Page 5, between lines 13 and 14, begin a new line block indented
22 and insert:

23 **"(5) A determination by the division that the applicant**
24 **previously operated a:**
25 **(A) child care center without a license under**
26 **IC 12-17.2-4-35; or**
27 **(B) child care home without a license under**
28 **IC 12-17.2-5-35."**

29 Page 5, between lines 35 and 36, begin a new line double block
30 indented and insert:

31 **"(C) A misdemeanor for operating a child care center**
32 **without a license under IC 12-17.2-4-35.**
33 **(D) A misdemeanor for operating a child care home**
34 **without a license under IC 12-17.2-5-35."**

35 Page 5, between lines 39 and 40, begin a new line block indented
36 and insert:

37 **"(5) A determination by the division that the applicant**
38 **previously operated a:**

1 (A) child care center without a license under
2 IC 12-17.2-4-35; or

3 (B) child care home without a license under
4 IC 12-17.2-5-35.".

5 Page 6, after line 8, begin a new paragraph and insert:

6 "SECTION 15. IC 31-33-17-6, AS AMENDED BY P.L.36-2001,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2002]: Sec. 6. Upon request, a person or an organization may
9 have access to information contained in the registry as follows:

10 (1) A law enforcement agency or local child protective service
11 may have access to a substantiated report.

12 (2) A person may have access to information consisting of an
13 identifiable notation of a conviction arising out of a report of child
14 abuse or neglect.

15 (3) Upon submitting written verification of an application for
16 employment or a consent for release of information signed by a
17 child care provider, a person or an agency may obtain the
18 following information contained in the child abuse registry
19 regarding an individual who has applied for employment or
20 volunteered for services in a capacity that would place the
21 individual in a position of trust with children less than eighteen
22 (18) years of age or regarding a child care provider who is
23 providing or may provide child care for the person's child:

24 (A) Whether a child was found by a court to be a child in need
25 of services based on a report of child abuse or neglect naming
26 the applicant, volunteer, or child care provider as the alleged
27 perpetrator.

28 (B) Whether criminal charges were filed against the applicant,
29 volunteer, or child care provider based on a report of child
30 abuse or neglect naming the applicant, volunteer, or child care
31 provider as the alleged perpetrator.

32 (C) Whether a court has issued an arrest warrant for the
33 applicant, volunteer, or child care provider based on a report
34 of child abuse or neglect in which the applicant, volunteer, or
35 child care provider is named as the alleged perpetrator.

36 (4) A person may have access to whatever information is
37 contained in the registry pertaining to the person, with protection
38 for the identity of:

- 1 (A) the person who reports the alleged child abuse or neglect;
2 and
3 (B) any other appropriate person.
- 4 (5) A person or an agency to whom child abuse and neglect
5 reports are available under IC 31-33-18 may also have access to
6 information contained in the registry.
- 7 (6) If a child care provider provides child care in the provider's
8 home, upon submitting a consent for release of information signed
9 by an individual who is at least eighteen (18) years of age, who
10 resides with the child care provider, and who may have direct
11 contact with children for whom the provider provides child care,
12 a person may obtain the following information contained in the
13 child abuse registry regarding the individual:
- 14 (A) Whether a child was found by a court to be a child in need
15 of services based on a report of child abuse or neglect naming
16 the individual as the alleged perpetrator.
- 17 (B) Whether criminal charges were filed against the individual
18 based on a report of child abuse or neglect naming the
19 individual as the alleged perpetrator.
- 20 (C) Whether a court has issued an arrest warrant for the
21 individual based on a report of child abuse or neglect in which
22 the individual is named as the alleged perpetrator.
- 23 **(7) A voucher agent (as defined in IC 12-17.2-3.5-2) may have**
24 **access to the following information contained in the registry**
25 **regarding an individual (as defined in IC 12-17.2-3.5-4.1) for**
26 **purposes of determining the eligibility of a child care provider**
27 **to receive a voucher payment (as defined in IC 12-17.2-3.5-3):**
- 28 (A) Whether a child has been found by a court to be a child
29 in need of services based on a report of child abuse or
30 neglect naming the individual as the alleged perpetrator.
- 31 (B) Whether criminal charges have been filed against the
32 individual based on a report of child abuse or neglect
33 naming the individual as the alleged perpetrator.
- 34 (C) Whether a court has issued an arrest warrant for the
35 individual based on a report of child abuse or neglect in
36 which the individual is named as the alleged perpetrator.
- 37 **The voucher agent shall not disclose information obtained**
38 **under this subdivision.**

1 SECTION 16. IC 35-46-1-4.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. (a) As used in this section,**

4 **"child care" means providing for the care, health, safety, and**
5 **supervision of a child's social, emotional, and educational growth.**

6 **(b) As used in this section, "child care provider" means a person**
7 **who provides child care in or on behalf of:**

8 **(1) a child care center licensed under IC 12-17.2-4; or**

9 **(2) a child care home licensed under IC 12-17.2-5.**

10 **(c) If:**

11 **(1) a child care provider recklessly supervises a child; and**

12 **(2) as a result of the child care provider's reckless supervision,**
13 **the child experiences serious bodily injury;**

14 **the child care provider commits reckless supervision of a child, a**
15 **Class D felony.**

16 **(d) If:**

17 **(1) a child care provider recklessly supervises a child; and**

18 **(2) as a result of the child care provider's reckless supervision,**
19 **the child dies;**

20 **the child care provider commits reckless supervision of a child**
21 **resulting in death, a Class C felony.**

22 SECTION 17. [EFFECTIVE JULY 1, 2002] IC 12-17.2-3.5-10, as
23 **amended by this act, applies to a provider that begins receiving**

- 1 **voucher payments after June 30, 2002.**
- 2 SECTION 18. [EFFECTIVE JULY 1, 2002] **IC 35-46-1-4.5, as**
- 3 **added by this act, applies only to crimes committed after June 30,**
- 4 **2002."**
- 5 Renumber all SECTIONS consecutively.
(Reference is to SB 246 as printed January 25, 2002.)

and when so amended that said bill do pass.

Representative Summers